

### REMARKS

Claims 1-10, 12, 13 and 18-44 are pending in the Application.

#### OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1-10, 12, 18-26, 28-34 and 39-42 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-16 of copending Application No. 6,716,916. The rejection should be withdrawn in view of the remarks below.

As discussed below, Applicants' invention is related to novel compounds with improved toughness and reduced opacity that is achieved through the novel use of two grafted rubbers produced separately using different initiator systems.

Reconsideration is requested.

#### REJECTIONS UNDER 102

1. Claims 1, 2, 6-10, 12, 18-26, 28-34 and 39-42 stand rejected under 35 USC 102(b) as being anticipated by Sun et al. The rejection should be withdrawn in view of the remarks below.

The Office Action alleges that:

Sun et al disclose a process in which bimodal polybutadiene latex is grafted with styrene and acrylonitrile in applicants amounts. Since bimodal latex contains two rubber particles, one particle could be said to correspond to the rubber in applications part "A" the other particle could be said to correspond to the rubber and applicants part "B". Note that the particle diameters recited in example one correspond to applicants' particle diameters where diameters are recited. Note that the latex in example one is first grafted with peroxydisulfate and then in the presence of ascorbate and hydroperoxide, i.e. the second step corresponds to a redox reaction. Note claim one of the patent which discloses that the latex utilized has a glass transition of less than 0°C.

Applicants' invention is directed to a thermoplastic molding composition comprising A) at least one grafted rubber that is a product of free-radical emulsion polymerisation wherein at least one vinyl monomer is polymerised in the presence of at least one rubber a) that is present in the form of a latex, said rubber having a

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glass transition temperature lower than 0°C, the polymerization being initiated by at least one compound selected from the group consisting of ammonium peroxodisulfate, potassium peroxodisulfate and sodium peroxodisulfate, B) at least one grafted rubber that is a product of free-radical emulsion polymerisation wherein at least one vinyl monomer is polymerized in the presence of at least one rubber b) that is present in the form of a latex, said rubber having a glass transition temperature lower than 0°C, the polymerization being initiated by at least one redox system, and optionally C) at least one thermoplastic, rubber-free polymer that is the product of the polymerisation of at least one resin-forming vinyl monomer.

Applicants' invention is related to compounds with improved toughness and reduced opacity. The reduced opacity is achieved through the novel use of two grafted rubbers produced separately using different initiator systems.

Sun et al discloses an optimization of a graft rubber with respect to reducing the residual monomers after the reaction, and also the use of the graft rubber optimized in this manner in ABS and blends containing ABS. In Sun et al, the rubber mixtures for the manufacture of the graft rubber does not disclose Applicants' invention.

Claims 2, 6-10, 12, 18-22, 24-26, 29-34 and 39-41 depend from Claims 1 or 23, directly or indirectly, which as discussed are believed to be allowable. Thus, Claims 2, 6-10 are also believed to be allowable. Reconsideration is requested.

#### REJECTIONS UNDER 103

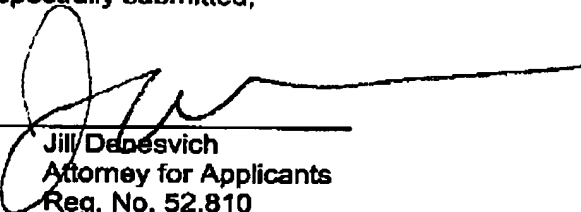
1. Claims 3-5 stand rejected under 35 USC 103 as being obvious in view by Sun et al. The rejection should be withdrawn in view of the remarks below.

Claims 3-5 depend from Claim 1, which as discussed is believed to be allowable. Accordingly Claims 3-5 are also believed to be allowable.

In view of the above comments, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

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